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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Cabo Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Jordan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Morocco, Netherlands, Norway, Panama, Paraguay, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Tunisia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The safety of journalists and the issue of impunity

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,[1] and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights[2] and the International Convention for the Protection of All Persons from Enforced Disappearance,[3] as well as the Geneva Conventions of 12 August 1949[4] and the Additional Protocols thereto,[5]

Recalling its resolution 68/163 of 18 December 2013 on the safety of journalists and the issue of impunity, in which it proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists, as well as its resolution 69/185 of 18 December 2014 on the same issue,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 61/177, annex.
[4] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[5] Ibid., vol. 1125, Nos. 17512 and 17513.

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Welcoming the latest report of the Secretary-General on the safety of journalists and the issue of impunity,[6] and recalling his previous report on this topic,[7]

Taking note with appreciation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, endorsed by the United Nations System Chief Executives Board for Coordination on 12 April 2012, in which United Nations agencies, funds and programmes were invited to work with Member States towards a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide,

Recalling Human Rights Council resolutions 21/12 of 27 September 2012[8] and 27/5 of 25 September 2014[9] on the safety of journalists, 26/13 of 14 July 2014 on the promotion, protection and enjoyment of human rights on the Internet[10] and 27/12 of 25 September 2014 on the World Programme for Human Rights Education,[9] as well as Security Council resolutions 1738 (2006) of 23 December 2006 and 2222 (2015) of 27 May 2015,

Recalling the panel discussion of the Human Rights Council on the issue of the safety of journalists, held on 11 June 2014, and the summary report of the Office of the United Nations High Commissioner for Human Rights thereon, submitted to the Council at its twenty-seventh session,[11] and taking note with appreciation of the 2015 publication of the United Nations Educational, Scientific and Cultural Organization entitled *World Trends in Freedom of Expression and Media Development*,

Taking note of all relevant reports of the special procedures of the Human Rights Council with regard to the safety of journalists, as well as reports of the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression[12] and on extrajudicial, summary or arbitrary executions[13] submitted to the Council at its twenty-ninth session and the interactive dialogue thereon,

Commending the role and the activities of the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization with regard to the safety of journalists and the issue of impunity, and their facilitation of the commemoration of the International Day to End Impunity for Crimes against Journalists, in consultation with relevant entities within the United Nations system, Governments and relevant stakeholders,

Taking note with appreciation of the report of the Office of the High Commissioner for Human Rights on good practices concerning the safety of

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[6] A/70/290.

[7] A/69/268.

[8] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

[9] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1 and Corr.1 and 2), chap. IV, sect. A.

[10] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. V, sect. A.

[11] A/HRC/27/35.

[12] A/HRC/29/32.

[13] A/HRC/29/37 and Adds.1-7.

journalists,[14] submitted to the Human Rights Council at its twenty-fourth session, as well as its report on the right to privacy in the digital age, submitted to the Council at its twenty-seventh session,[15]

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Acknowledging that journalism is continuously evolving to include inputs from media institutions, private individuals and a range of organizations that seek, receive and impart information and ideas of all kinds, online as well as offline, in the exercise of freedom of opinion and expression, in accordance with article 19 of the International Covenant on Civil and Political Rights, thereby contributing to the shaping of public debate,

Recognizing the importance of freedom of expression and of free media, online as well as offline, in building inclusive and peaceful knowledge societies and democracies and in fostering intercultural dialogue, peace and good governance, as well as understanding and cooperation,

Recognizing also that the work of journalists often puts them at specific risk of intimidation, harassment and violence,

Noting the good practices of different countries aimed at the protection of journalists, as well as, inter alia, those designed for the protection of human rights defenders that can, where applicable, be relevant to the protection of journalists,

Recognizing that the number of people whose lives are influenced by the way information is presented is significant and that journalism influences public opinion,

Bearing in mind that impunity for attacks against journalists remains one of the greatest challenges to the safety of journalists and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks,

Recalling in this regard that journalists and media workers engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such, provided that they take no action adversely affecting their status as civilians,

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists and media workers, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment, threats and other forms of violence,

Expressing deep concern at the increased number of journalists and media workers who have been killed, tortured or detained in recent years as a direct result of their profession,

Expressing deep concern also at the growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

[14] A/HRC/24/23.
[15] A/HRC/27/37.

Acknowledging the specific risks faced by women journalists in the exercise of their work, and underlining, in this context, the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists,

Acknowledging also the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance or interception of communications in violation of their rights to privacy and to freedom of expression,

1. *Condemns unequivocally* all attacks and violence against journalists and media workers, such as torture, killings, including extrajudicial killings, enforced disappearances, arbitrary arrest and arbitrary detention, as well as intimidation and harassment in both conflict and non-conflict situations;

2. *Strongly condemns* the prevailing impunity for attacks and violence against journalists, and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes;

3. *Calls upon* States to implement more effectively their obligations and commitments under international law to protect journalists and media workers in order to combat the pervasive impunity, including through enforcement mechanisms with the capacity to pay systematic attention to the safety of journalists and media workers;

4. *Urges* the immediate and unconditional release of journalists and media workers who have been taken as hostages or who have become victims of enforced disappearances;

5. *Calls upon* all States to pay particular attention to the safety of journalists and media workers covering protests, taking into account their specific role, exposure and vulnerability;

6. *Encourages* States to take the opportunity of the proclamation of 2 November as the International Day to End Impunity for Crimes against Journalists to raise awareness regarding the issue of the safety of journalists and to launch concrete initiatives in this regard;

7. *Also encourages* States to review and, where necessary, consider amending laws, policies and practices that limit the ability of journalists to perform their work independently and without undue interference and to bring such laws, policies and practices fully in line with their obligations under international law;

8. *Requests* the United Nations Educational, Scientific and Cultural Organization, in consultation with relevant entities of the United Nations system, and mindful of the provisions of the annex to Economic and Social Council resolution 1980/67 of 25 July 1980, to continue facilitating the implementation of the International Day in collaboration with Governments and relevant stakeholders;

9. *Urges* Member States to do their utmost to prevent violence, threats and attacks against journalists and media workers, to ensure accountability through the conduct of impartial, speedy, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction, to bring perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to appropriate remedies;

10. *Calls upon* States to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference, including by means of: (a) legislative measures; (b) supporting the judiciary in considering training and awareness-raising and training among law enforcement officers and military personnel, as well as among journalists and civil society, regarding international human rights and humanitarian law obligations and commitments relating to the safety of journalists; (c) the regular monitoring and reporting of attacks against journalists; (d) publicly and systematically condemning violence and attacks; and (e) dedicating the resources necessary to investigate and prosecute such attacks and to develop and implement strategies for combating impunity for attacks and violence against journalists, including by using, where appropriate, good practices such as those identified in Human Rights Council resolution 27/5 of 25 September 2014;[9]

11. *Also calls upon* States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law, in particular under international human rights law, and do not arbitrarily hinder the work and safety of journalists;

12. *Stresses* the need to ensure better cooperation and coordination at the international and regional levels, including through technical assistance and capacity-building to ensure that the safety of journalists is improved at national and local levels;

13. *Calls upon* States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, as well as international and regional human rights mechanisms, including the relevant special procedures of the Human Rights Council, and to share information on a voluntary basis on the status of investigations into attacks and violence against journalists;

14. *Invites* the relevant agencies, organizations, funds and programmes of the United Nations system to actively exchange information, including through already identified focal points, about the implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, in cooperation with Member States and under the overall coordination of the United Nations Educational, Scientific and Cultural Organization;

15. *Requests* the Secretary-General to report to the General Assembly at its seventy-second session and to the Human Rights Council at its thirty-seventh session on the safety of journalists and the issue of impunity.